

RCO Legal, P.S.

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Honorable Judge Timothy W Dore

Chapter 7

Hearing Location: Seattle

IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

IN RE

DEBORAH S NARINE

DEBTOR.

NO.: 16-10264-TWD

**DECLARATION IN SUPPORT OF
MOTION FOR IN-REM RELIEF FROM
STAY BY DEUTSCHE BANK NATIONAL
TRUST COMPANY, AS TRUSTEE FOR
MORGAN STANLEY MORTGAGE LOAN
TRUST 2005-11AR, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2005-
11AR**

The undersigned declares and states:

1. I am of legal age, not a party to the above captioned action, and competent to be a witness.

2. I am employed by Wells Fargo Bank, N.A. dba America's Servicing Company ("Servicer"), the loan servicing agent for Deutsche Bank National Trust Company, as Trustee for Morgan Stanley Mortgage Loan Trust 2005-11AR, Mortgage Pass-Through Certificates, Series 2005-11AR ("Creditor") as a Vice President Loan Documentation.

3. I have received training about the process by which Servicer maintains its loan records relating to accounts that are serviced by my company, and how to evaluate status based upon those records and I am familiar with the same. Based upon my observations, training, and experience, I know that records kept are in the course of regularly conducted business and are a matter of the business routine. Entries in the records are made at or near the time of the event recorded by or with information from a

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1 person with knowledge of the event recorded. My training includes instruction on how to access business
2 records necessary to offer testimony concerning loan status and documentation. Servicer maintains the
3 records relating to the above captioned borrower's loan file. My testimony is based upon my training and
4 knowledge of Servicer's record keeping system, the practices that are followed when entries or documents
5 are added to the electronic record, and my review of this particular file in the electronic record.

6 4. When an original promissory note and deed of trust is delivered to Creditor, the business
7 practice is to scan the documents in order to save an electronic copy in the computerized records system.
8 An electronic copy of the note is present in the business records only if the original of the document was
9 at one time in Creditor's possession, or Creditor had the right to possess the original. Subsequent to
10 making the electronic copy, the business practice is to transfer the original documents to a secure
11 document storage facility for safekeeping. If required, Creditor or Servicer, as the agent for Creditor, can
12 request from the custodian production of the original documents. If a promissory note is transferred or
13 sold to another entity, the record keeping procedure requires that an entry on the record be made to reflect
14 the transfer. The absence of such an entry of transfer indicates that Creditor has not further endorsed and
15 delivered the note to another party and that Creditor retains dominion and control over the note.
16

17 5. On September 20, 2005, the Debtor and Larry Sunde executed and delivered a Promissory
18 Note to Evergreen Moneysource Mortgage Company, a Washington Corporation. The Note represents
19 the debtor's promise to pay \$278,100.00. Evergreen Moneysource Mortgage Company indorsed the
20 promissory note in blank. Creditor is in possession of the original note either directly or through the use
21 of an authorized agent and/or document custodian. A true and correct copy of the indorsed Note is
22 attached as Exhibit A.
23

24 6. Creditor's security interest is based upon a Deed of Trust executed by Debtor and Larry Sunde
25 on or about September 20, 2005. The Deed of Trust created the lien on the property located at 1507

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1 Western Avenue #R403, Seattle, WA 98101. The Deed of Trust was recorded on September 26, 2005
2 under King County recording number 20050926002976. A true and correct copy of the recorded Deed of
3 Trust is attached as Exhibit B. A Loan Modification Agreement dated December 18, 2008 was entered
4 into by and between Wells Fargo Bank, N.A., d/b/a America's Servicing Company and Debtor and Larry
5 Sunde. A true and correct copy of the Loan Modification Agreement is attached as Exhibit C. A second
6 Loan Modification Agreement dated January 26, 2011 was entered into by and between Wells Fargo
7 Bank, N.A., d/b/a America's Servicing Company and Debtor and Larry Sunde. A true and correct copy of
8 the Loan Modification Agreement is attached as Exhibit D.

9
10 7. Servicer's records on the loan that is the subject of present motion reflect that the loan is
11 contractually due for payments owed on and after September 1, 2011. The monthly payment amount is
12 currently \$2,068.62.

13 8. The Principal Balance due on the loan is \$350,208.92, as of March 4, 2016.

14
15 I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND
16 CORRECT

17 Dated this 9th day of March, 2016.

18 

19 Name: April Nicole Neal

20 Title: Vice President Loan Documentation

21 Wells Fargo Bank, N.A. dba America's Servicing Company

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